

## REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by applicant and undersigned attorney. Reconsideration is respectfully requested.

As the claims were finally rejected, this Amendment is submitted with a Request for Continuing Examination (RCE) under the provisions of 37 C.F.R. §1.114.

### **1. Summary of the Application.**

In the February 2, 2009 Office Action, the drawings were objected to. Claims 1, 5-10 and 13 were pending. Claims 1, 5-10 and 13 stand rejected under 35 U.S.C §112, first paragraph.

Applicant's Reply filed July 1, 2009 included replacement drawings and presented reasons why claims 1, 5-10 and 13 were allowable as previously submitted.

The Advisory Action dated July 24, 2009 entered the amended drawings but refused allowance of the claims for lack of support in the original disclosure for all of the claim recitations.

A Notice of Appeal was filed on July 29, 2009.

### **2. Discussion.**

#### **Preliminary Matters**

**Claim 14.** Applicant hereby withdraws his prior request the Examiner note that claim 14 is pending on the record and identify its status. **Claim 14 is hereby canceled.**

Applicant again notes that claims, 1, 5-10 and 13, as previously presented, are free from prior art rejections.

The examiner is thanked for her helpful suggestions made in telephone conversations held on October 29, 2009 (to discuss a detailed claim to avoid appeal), January 19, 2010 (to discuss FAX informal submission (claim 15) of January 14, 2010) and January 27, 2010 (with immediate following FAX informal submission of claim proposal including claim 16).

#### **Claim Rejections - 35 USC §112, First Paragraph**

**Claims 1, 5-10 and 13.** These claims were rejected under 35 USC §112, first paragraph, on grounds of new matter. Although Applicant respectfully disagrees with the Examiner's rejection, he has canceled these claims to expedite prosecution to finality. **Claims 1, 5-10 and 13** (all of the pending claims in the application) are hereby canceled.

**Claim 15.** This independent claim is new. It incorporates all of the elements of claim 1 as previously presented, and further recites significant, detailed structural limitations, clearly present in the original text and drawing disclosure, to define and limit the invention to a retractable barrier wherein the skirt and the spool are a one piece structure. This claim is believed to be free of the art and supported by the original disclosure. Allowance is respectfully requested.

**Claim 16.** This independent claim is also new. It has substantially all of the elements of new claim 15 except essentially references to limitations on the housing, the spindle being rotatable, the diameter of the peripheral wall of the skirt being greater than the diameter of the spooled webbing, and to the presence of the spring carrier. This claim is also believed to be free of the art and supported by the original disclosure. Allowance is respectfully requested.

**3. Conclusion.**

The pending claims are believed to be patentable for the reasons stated above. Reconsideration and favorable action are respectfully requested.

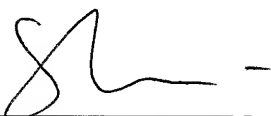
**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, she is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

ANY FEES DUE ARE CALCULATED AS FOLLOWS:		<u>NUMBER</u>	<u>FEE</u>
TOTAL Claims Remaining over that Previously Paid:		None	\$0
INDEPENDENT Claims Remaining over that Previously Paid:		None	\$0
	SUM Claim Fees:		\$0
EXTENSION Fees:			\$0
OTHER Fees:	C(RCE)		\$ 405
<u>TOTAL AMOUNT (if any)</u>			\$ 405
<input type="checkbox"/> Paid by enclosed check.			
<input checked="" type="checkbox"/> Paid by enclosed Credit Card Payment Form(s) PTO-2038.			

Respectfully submitted,



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